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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,774	01/22/2002	David George Miller	24493B	1085
22889	7590	12/19/2006		
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			EXAMINER TORRES VELAZQUEZ, NORCA LIZ	
			ART UNIT 1771	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.



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In re application of :
Miller, et al. :
Serial No.: 10/055,774 :
Filed: January 22, 2002 :
Patent Number: 6,709,994 :
Issued: March 23, 2004 :
For: STORM PROOF ROOFING MATERIAL :

**DECISION ON
REQUEST**

This is a decision on the request received on August 27, 2002 to correct inventorship in the above reference application by deleting the names Margaret M. Woodside, Frank J. Macdonald, James S. Belt, and William Huykman. The delay in responding to the request is regretted.

As best as can be determined there is no rule 37 CFR 201.06. It is assumed Applicant is referring to MPEP 201.06(a) directed to 37 CFR 1.60 Divisional-Continuation Procedures, however, this section was deleted effective December 1, 1997.

All changes of inventorship are covered by 37 CFR 1.48 which states in part:

§ 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

(b) Nonprovisional application —fewer inventors due to amendment or cancellation of claims . If the correct inventors are named in a nonprovisional application, and the prosecution of the nonprovisional application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the nonprovisional application, an amendment must be filed requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed. Amendment of the inventorship requires:

- (1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the named inventor or inventors being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and
 - (2) The processing fee set forth in § 1.17(i).
- (c) Nonprovisional application —inventors added for claims to previously unclaimed subject matter. If a nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application, the application may be amended to add claims to the subject matter and name the correct inventors for the application. Amendment of the inventorship requires:
- (1) A request to correct the inventorship that sets forth the desired inventorship change;
 - (2) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;
 - (3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43, or § 1.47;
 - (4) The processing fee set forth in § 1.17(i); and
 - (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

In the instant application, applicant's submission does not comply with any of the requirements for inventorship correction. As such, the request is **DENIED**.



Terrel Morris
Supervisory Patent Examiner
Group Art Unit 1771